

THE HON'BLE MR JUSTICE S. ANANDA REDDY

WRIT PETITION NO:17675 OF 2005

DATED:10.08.2005

Between:

P.V.S.Umamaheswara Rao, S/o.Adikeshavulu,

Aged 52 years, Correspondent/Secretary,

Aided Upper Primary School, Ethamukkala,

Kothapatnam Mandal, Prakasam District.

.....PETITIONER

AND

The Government of A.P. rep. by its Secretary for

School Education, Secretariat, Hyderabad.

And two others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE S. ANANDA REDDY

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ORDER

This Writ Petition is filed by the petitioner aggrieved by the inaction of the third respondent in granting approval with reference to the post of Pre Vocational Instructor ('PVI'), which was filled up in pursuance of the approval granted by the third respondent by his proceedings, dated 27.1.2004.

According to the petitioner, the Correspondent and Secretary of the Aided Upper Primary School of Ethamukkala, Prakasam District, the post of PVI fell vacant due to the retirement of an existing incumbent on 31.12.2003. Therefore, the petitioner made a representation seeking approval of the third respondent for filling up the said post. In pursuance of the said request of the petitioner, the third respondent passed orders on 27.1.2004 approving the proposals for filling up the said vacant aided post and even the Deputy Educational Officer, Ongole was nominated to participate in the selection process as a Governmental nominee. Thereafter, it is stated that the selection process was completed on 8.3.2004 and the petitioner sent proposals to the third respondent seeking approval of the candidate, who has been selected to the post of PVI. The grievance of the petitioner is that the third respondent did not pass any orders even though he received the proposal sent by the petitioner in the month of February, 2004 itself. Therefore, the petitioner has come up with the present Writ Petition.

At the time of hearing, the learned counsel for the petitioner contended that

this issue has already been covered by a number of decisions of this Court, where this Court directed the respondent authorities to pass appropriate orders approving the selections already made, if they are in accordance with the Rules *de hors* the memo of the Government, dated 20.10.2004 banning the filling up of the aided vacancies on the premise that the said ban has no application with reference to the posts, which fell vacant prior to the said memo where even approvals were granted by the competent authority prior to the said date of ban.

Admittedly, in the present case, approval was granted by the third respondent, who is the competent authority, on 27.1.2004 pursuant to which, selection has already been completed. In fact, it was claimed that the selected candidate has been working in the petitioner institution. Therefore, the third respondent is obligated to grant approval, provided the selection is in accordance with the rules.

Under the above circumstances, the third respondent is directed to pass appropriate orders on the proposal sent by the petitioner for filling up of the PVI post, for which, the selection has already been over. The said exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

With the above direction, the Writ Petition is disposed of. No costs.

S. ANANDA REDDY,J

10TH AUGUST 2005

Tsr

